

EXHIBIT 5

FD-302 (Rev. 3-10-82)

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FEDERAL BUREAU OF INVESTIGATION

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Date of transcription 2/11/94

LAWRENCE MAZZA was interviewed by properly identified Special Agents (SAs) of the Federal Bureau of Investigation (FBI). MAZZA then provided the following information, as well as information not included here:

One or two days after the arrest of CARMINE IMBRIALE, and shortly after a meeting at the OLD BERMUDA INN on Staten Island, NY that IMBRIALE attended, GREG SCARPA SR. told MAZZA that IMBRIALE spent a long time with law enforcement the day he was arrested. SCARPA SR. believed that IMBRIALE was cooperating, and has been a cooperator since the 1980's when he was arrested on credit card charges. SCARPA SR. also talked about killing IMBRIALE some time in the future.

Investigation on 1/7/-2/11/94 at Undisclosed

File # 281A-NY-214955

by SAS MARYANN C. WALKER/
CHRISTOPHER M. FAVO/MCW/ixs

Date dictated 2/11/94

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FEDERAL BUREAU OF INVESTIGATION

Date of transcription 2/7/94

LAWRENCE MAZZA was interviewed by properly identified Special Agents of the Federal Bureau of Investigation. MAZZA then provided the following information, as well as information not included here:

SCARPA SR. told MAZZA that he received information from a source in law enforcement, and a source from the ORENA faction. One of the sources that supplied information on a regular basis was referred to as "THE GIRLFRIEND". The source would call him at home, as well as beep him, and was always referred to by SCARPA SR. as the "GIRLFRIEND". SCARPA SR.'s wife, LINDA, also referred to the source as "THE GIRLFRIEND" when giving messages to SCARPA SR. regarding phone calls. On occasions when the source beeped SCARPA SR., he would stop whatever he was doing in order to return the call. When in his own home, SCARPA SR. always returned the calls to the "GIRLFRIEND" using the telephone in the basement, which was registered to MARYANN TURSI. SCARPA SR. also received messages regularly to call "THE GIRLFRIEND" at the "store", which referred to the source's place of business.

The information that SCARPA SR. received through his source(s) included, but was not limited to, the address of VICTOR ORENA's girlfriend's home in Queens, New York, including descriptive information that it was a white, two family home with aluminum siding. Shortly after SCARPA SR. is shot at, he learns that the panel truck used in the murder attempt was rented from Queens, New York. JOSEPH RUSSO's, an associate of WILLIAM CUOTOLO, address on 74th Street near 12th or 13th Avenue, as well as SALVATORE MICIATTA and JOSEPH SCOPO's addresses. He also received information regarding the scheduled drug arrest of GREGORY SCARPA JR. and his crew, and the scheduled Credit Card arrest of SCARPA SR.. He received a copy of the Complaint issued against himself, and was told that his problems with the Law might disappear if he stayed out of trouble.

On one occasion, MAZZA was in SCARPA SR.'s house when he received a telephone call from "THE GIRLFRIEND" on the basement telephone. After the call, he told MAZZA that the "GIRLFRIEND" said that the members of the ORENA faction were very close to killing him.

Investigation on 1/7/94-2/7/94 "Undisclosed" File # 281A-NY-214955

by Maryann C. Walker.
Christopher M. Favo

Date dictated 2/7/94

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FEDERAL BUREAU OF INVESTIGATION

Date of transcription 5/23/94

Larry Mazza was interviewed while in custody. Mazza was advised of the official identities of the interviewing Supervisory Special Agents (SSA). Mazza was advised that the Office of Professional Responsibility (OPR) of the Federal Bureau of Investigation (FBI), was conducting an investigation regarding an allegation that Gregory Scarpa, Sr., had a law enforcement source providing information to him. Mazza was advised that the specific interest was to determine if that law enforcement source was an employee of the FBI. Ellen Corcella, an Assistant United States Attorney, Eastern District of New York (EDNY), was present during the course of the interview.

Mazza is 33 years old and advised that he met Scarpa, Sr., in 1978. Mazza met Scarpa, Sr., through Scarpa, Sr.'s common law wife, Linda Schirro. Mazza developed a romantic relationship with Linda Schirro in 1978. Scarpa, Sr., hired Mazza at the age of 18 to work as a sales manager for a company operated by Scarpa, Sr., known as Hewlitt Supply Company. In this job, Mazza would go to various businesses in an effort to replace their fire extinguisher. While in the business, he would determine what other business and supply materials they needed and try to get them to order their supplies through Hewlitt Supply Company.

Mazza believed that Scarpa, Sr., had a law enforcement source who provided information to him concerning investigations. Mazza did not know for sure, if this source worked for a police department, the FBI, or for a Organized Crime Task Force. Mazza also believed that Scarpa, Sr., had a source in the Orena faction of the Colombo Family. Mazza attributed his beliefs to certain statements/incidents which took place since 1978. The following information represents Mazza's recall of those statements/incidents.

Investigation on 4/28/94 at Undisclosed location File # 263-HQ-1064017

by SSA Robert J. O'Brien and
SA Patrick Welch

Date dictated 4/28/94

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continuation of FD-302 of Larry MazzaOn 4/28/94 Page 2ORENA FACTION SOURCE

Scarpa, Sr., told Mazza that he had a "girlfriend" in the Orena faction of the Colombo Family. This individual provided information to Scarpa, Sr., as needed, concerning activities of Orena faction members. Mazza was confident that the "girlfriend" was not a female, but was quite likely a "made member of the Orena faction of the Colombo Family." This individual would be somebody who was playing the middle between the Orena faction and the faction with which Scarpa, Sr., was aligned.

During the winter of 1991, Scarpa, Sr., told Mazza that the "girlfriend" gave him the address for the house of Vic Orena's "girlfriend" in Brooklyn. The specific address was in detail and included a description of the residence. The residence was behind Aquaduct Race Track on Leffert's Boulevard or Linden Street. According to Mazza, this address turned out to be incorrect as they could not find the number given by the "girlfriend" and it appeared that such number would not exist for a home on that street. Upon learning he had an incorrect address, Scarpa, Sr., went to a payphone and called his source. Scarpa, Sr., returned from the call and indicated that his source had no other address. When queried by Mazza regarding the "girlfriend," Scarpa, Sr., told him that he would tell him who the source was at a later time, but it was unnecessary to divulge his identity as Scarpa, Sr., was not ready to turn over any power base to Mazza.

USE OF TELEPHONES

Mazza recalls that Scarpa, Sr., had a car phone, a cellular phone, and two telephones at his 82nd Street residence in Brooklyn. Additionally, Scarpa, Sr., frequently returned calls from an apartment which was located in his residence and used by Linda Schirro's sister, Marianne Terzi. Scarpa, Sr., would get beeped and then go downstairs to the apartment and use Marianne Terzi's phone to return the call. Linda Schirro frequently beeped Mazza or Jimmy Delmasto in order to get a message to Scarpa, Sr., that Scarpa, Sr.'s "girlfriend" had called. In the 1980s, Mazza and Jimmy Delmasto spent a lot of time with Scarpa, Sr.

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Continuation of FD-302 of Larry MazzaOn 4/28/94, Page 3JOE WAVERLY

Mazza recalls being with Scarpa, Sr., in January of 1992. He was in Scarpa, Sr.'s black Mercedes with Scarpa, Sr., and Jimmy Delmasto. Scarpa, Sr., was beeped by Linda Schirro. Mazza returned the call to Schirro and she told Mazza to have Scarpa, Sr., call the "girlfriend." Scarpa, Sr., used the pay phone to call the "girlfriend." The pay phone was located on 4th Avenue in front of an abandoned gas station. The gas station was located in Brooklyn near Paul Chevrolet. Scarpa, Sr., was on the phone approximately five minutes. Scarpa, Sr., came back to the car and told Mazza and Delmasto that Joe Waverly had a hit team on the street and that they should be careful.

Mazza advised he never met the "girlfriend." He assumed that the "girlfriend" had asked Scarpa, Sr., to keep his identity anonymous. Mazza advised there was never an occasion wherein he heard Scarpa, Sr., talk over the telephone to the "girlfriend." Mazza recalls Scarpa, Sr., saying that the "girlfriend" called from the store. According to Mazza, this lead was not of additional value in Mazza's effort to determine the identity of the "girlfriend."

Mazza recalls being beeped by Linda Schirro approximately ten times during the 1980s. On one occasion in late 1991 or early 1992, Mazza was at a track in Freehold, New Jersey, when he was beeped. At that time, they learned from the "girlfriend" about Vic Orena's reaction to the murder of Nicky Black. Mazza advised this is the type of information the "girlfriend" provided which indicated to Mazza that the "girlfriend" was in fact, a member or associated with the Orena faction. Mazza advised he never heard Linda Schirro ever use any other nicknames or names for the "girlfriend" or for any other source which was being used by Scarpa, Sr.

SUSPICION OF A LAW ENFORCEMENT SOURCE

Mazza advised that in the early 1980s, Scarpa, Sr., dealt with fraudulent credit cards. Scarpa, Sr., along with his son, Gregory Scarpa, Jr., Buster, and Sally Cash would buy the fraudulent cards, sell them to people in the neighborhood who would then go out, use the cards to purchase property, and bring the property back to the Wimpy Boys Club where the property would be sold. Scarpa, Sr., subsequently learned how to manufacture.

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these credit cards and cut out the middle man. He would then manufacture the cards, sell the cards, and reap the profits of the property illegally purchased with the fraudulent cards.

United States Secret Service subsequently conducted an investigation as a result of arresting one of the individuals who was using the fraudulent credit cards. There came a time when Scarpa, Sr., told Mazza and others that the Wimpy Boys Club was going to be searched with the primary focus being an effort to locate guns and fraudulent credit cards. Scarpa, Sr., told everyone to clear out of the club. In 1986, Scarpa, Sr., was arrested on the "block" near the Wimpy Boys Club trying to sell fraudulent credit cards to an individual. Scarpa, Sr., got out on bail immediately, and subsequently received a sentence of five years probation. Based on comments made by Scarpa, Sr., Mazza believed that Scarpa, Sr., had learned something about this investigation and he received a light sentence. Mazza did not know the identity of the law enforcement source.

According to Mazza, in 1986 or 1987, Scarpa, Sr., and Scarpa, Jr., started getting into the sale of drugs. Scarpa, Sr., decided that they would tax the drug dealers 25% as a "street tax." Scarpa, Sr.'s belief was that the streets belonged to the Colombo Family and the drug dealers would be required to pay a tax. Mazza advised that Scarpa, Sr., subsequently got greedy and decided that they should also be the source for the drugs. As a result, Scarpa, Sr., identified drug sources and sold the drugs to the dealers and then taxed the dealers 25% as a street tax.

Mazza advised that a DEA investigation subsequently developed regarding their drug activities. A number of individuals in Scarpa's crew were charged with drug violations including Scarpa, Jr. Mazza advised that Scarpa, Sr., knew the identity of everyone who was to be arrested before they actually were arrested. Most of the individuals in the crew wanted to go on the "lam" and avoid arrest. It would have been embarrassing for the Colombo Family members to be involved in the sale of drugs, and Scarpa, Sr., wanted to make sure that the members of his crew that were charged would not become fugitives and would not plead to the violations. Scarpa, Sr., issued instructions to his people not to flee, but this apparently did not apply to Scarpa, Jr., who became a fugitive. Mazza advised that although he talked to Scarpa, Jr., about how his father might have known

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the identities of those to be arrested, Scarpa, Jr., never told him how Scarpa, Sr., knew of their identities.

In the drug case, Mazza recalls that Kevin Grenada was offered a chance to plead to a ten year sentence and chose not to and received 28 years. Mario Parlagreco was offered an opportunity to plead to ten years and didn't and received 20 years. Billy Meli was offered an opportunity to plead to 7 years and received a total of 15 years. Joe Savarase received 7 years and Cosmo LNU received a 7 year sentence.

While Scarpa, Jr., was a fugitive, Mazza and Jimmy Delmasto visited Scarpa, Jr., in Cocoa Beach, Florida. There came a time when Scarpa, Sr., learned that Scarpa, Jr., was going to appear on Americas Most Wanted T.V. show. Mazza did not know how he learned that, but believed it might be through his law enforcement source. Scarpa, Sr., decided to come back to the area and moved up to New Jersey. Scarpa, Jr., was staying in a hotel in New Jersey one day when he ran into a friend, Anthony Coco. Coco knew that Scarpa, Jr., was a fugitive and was very nervous and did not want to spend much time with him. The day after Scarpa, Jr., saw Coco at the hotel, Scarpa, Jr., was arrested at the hotel. Scarpa, Sr., and Scarpa, Jr., believed that Coco was cooperating with law enforcement. As a result, Scarpa, Jr., wanted to have Coco killed.

SURVEILLANCE TAPES

Mazza advised that sometime in 1987, he was at Scarpa, Sr.'s residence. Scarpa, Sr., was showing video tapes which appeared to be law enforcement surveillance tapes taken outside the Wimpy Boys Club. The time and date appeared on the tapes. There was an audio explanation of the video. Mazza believed that Scarpa, Sr., Scarpa, Jr., and Joey Scarpa, and Linda Schirro also were there watching the tapes. As a result, Mazza believes he viewed these tapes before the DEA arrests described above.

Mazza recalls hearing on the tape the person say that the individual coming out of the Wimpy Boys Club was Lawrence Mazza, but in fact it was Robert Vasta. Mazza was surprised that Scarpa, Sr., had these tapes and had no idea how he received them.

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Continuation of FD-302 of Larry Mazza , On 4/28/94 , Page 6PANEL TRUCK

In November of 1991 an attempt was made on Scarpa, Sr.'s life. Scarpa, Sr.'s vehicle was sandwiched in between a van and a panel truck. Scarpa, Sr., later told Mazza that his law enforcement guy called and told him that the panel truck had been rented in Queens. Mazza advised that he did not believe that the law enforcement source knew, at that time, who had attempted to kill Scarpa, Sr.

Either the police or the FBI took Scarpa, Sr.'s Mercedes after the attempted hit in order to examine it for ballistics and so forth. Mazza recalls getting very suspicious about this as the vehicle was returned the following day and Scarpa, Sr., was talking freely to Jimmy Delmasto and Mazza concerning their on-going activities, while they were all inside the Mercedes. Mazza mentioned that concern to Scarpa, Sr., who dismissed it, telling him that he was paranoid.

ADDRESSES FROM THE "girlfriend"

Mazza recalls additionally that Scarpa, Sr., told him that he received addresses from the "girlfriend" for Joe Scopo and Sal Misciotta and Wild Bill Cutolo. These were individuals Scarpa, Sr., had an interest in locating.

SEEING A COMPLAINT

During Christmas of 1992, Mazza recalled Scarpa, Sr., showing him an original FBI complaint that charged Scarpa, Sr., with Conspiracy to Murder. Scarpa, Sr., told Mazza that if they were careful the charge would "die on the vines." Mazza believed Scarpa, Sr., may have received the complaint through his law enforcement source.

GETTING BEEPED IN MONTAUK

Mazza and Jimmy Delmasto vacationed at Montauk during the All Star break in July of 1992. Mazza vaguely recalls being beeped by Scarpa, Sr., and returning the call. The message from Scarpa, Sr., was for them not to be depressed and not to worry about any charges. It was Mazza's impression that Scarpa, Sr., had some awareness of the case being investigated.

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Continuation of FD-302 of Larry Mazza , On 4/28/94 , Page 7CARMINE IMBRIALE

Mazza advised that Scarpa, Sr., was very worried about Imbriale as he believed Imbriale had been a source since 1985 when he was arrested on the credit card case. The same night the FBI arrested Imbriale in 1992, Scarpa, Sr., learned of the arrest. Scarpa, Sr., told Mazza it would be a good idea to kill Imbriale. Scarpa, Sr., did not give any instructions for Mazza to kill Imbriale. Mazza advised that Scarpa, Sr., never told him why he believed that Imbriale was a snitch in 1985 nor did Scarpa, Sr., tell Mazza exactly how he learned of Imbriale's arrest.

OC TASK FORCE SOURCE

Scarpa, Sr., told Mazza that Carmine Sessa called him and told him that somebody was cooperating with the FBI six hours before Joey Ambrosino was arrested on the Colombo War investigation. Mazza advised that Michael Sessa wanted to be able to prove that somebody had cooperated before June 11, 1992, as Michael Sessa believed it would be very effective evidence in his own case and could possibly help dismiss other cases on the Colombo Family members.

There came a time in April of 1993 when a number of the members were incarcerated at Otisville. On one occasion, Mazza was walking around the track at Otisville with Larry Fiorenza, Teddy Persico, Joe Monti, Jojo Russo, and Chucky Russo.

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Basically Mazza had been tasked to try and determine if what Michael Sessa believed was correct. Larry Fiorenza brought up the concern about how anybody would know who was cooperating. It had been Michael Sessa's belief that an FBI agent might have been Scarpa, Sr.'s source of information about who was cooperating.

During the conversation, Teddy Persico advised that they learned about who was cooperating through an OC Task Force member. Persico advised he did not want to put this person on the spot. Persico admitted calling Carmine Sessa and telling him that somebody was cooperating six hours before Ambrosino was arrested. According to Persico, the law enforcement source was not an FBI agent.

FBI AGENTS KNOWN TO MAZZA

Mazza advised he was interviewed by SA Chris Favo of the New York Division. He also was interviewed by SA Marianne Walker. He met SAs Ledbetter and Tomlinson at a recent trial. He does recall learning of the identity of SA Michael Pisio on a prior occasion when SA Pisio testified at Mazza's bail hearing. Mazza never met any FBI supervisors or manager from the New York Division.

Mazza advised he never saw Scarpa, Sr., with an individual who he believed to be Scarpa, Sr.'s law enforcement source. There were times when Scarpa, Sr., would tell Mazza not to come by the residence. Mazza took this personal as he believed that Scarpa, Sr., did trust him fully, but apparently Scarpa, Sr., wanted some privacy for some reason unknown to Mazza.

Mazza was suspicious of attorney Benfante and information he provided to Mazza and others. Mazza recalls being at Scarpa, Sr.'s house while Scarpa, Sr., was under house arrest, and Benfante told Mazza that he and others should stay away from the house as it was under surveillance by the FBI.

Mazza advised that Scarpa, Sr., had a reputation for toughness and he was treacherous. The possibility that Scarpa, Sr., was a snitch was mitigated, according to Mazza, by Scarpa, Sr.'s violent acts.

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Mazza is confident that Scarpa, Sr., had a source in law enforcement and he is also confident that at a later date, if Scarpa, Sr., had chosen Mazza to pass off his power, he would have told Mazza the identity of the source. He does not know for sure if it was an FBI agent.